

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

HELEN HAMLIN, on behalf of herself and)
all others similarly situated,) Case No. 4:20-cv-117
Plaintiff,)
vs.) Judge Benita Y. Pearson
GORANT CHOCOLATIER, LLC,)
Defendant.)

**FINAL ORDER AND JUDGMENT ENTRY FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

[Resolving ECF No. 31]

Representative Plaintiff Helen Hamlin (“Representative Plaintiff”), on behalf of herself and others similarly situated, and Defendant Gorant Chocolatier, LLC (“Defendant”) (together, the “Parties”) have jointly moved the Court for final approval, as fair and reasonable, of the Joint Stipulation of Class Action Settlement and Release (“Settlement Agreement”) pursuant to Federal Rule of Civil Procedure 23(e).

Having reviewed the Settlement Agreement, as well as the Parties’ Joint Motion for Final Approval of Rule 23 Class Action Settlement (“Joint Motion for Approval”), the Declaration of the Settlement Administrator appended thereto, and the pleadings and papers on file in this action, and for good cause established therein, the Court enters this Final Order and Judgment Entry (“Final Order”) and hereby ORDERS, ADJUDGES AND DECREES as follows:

1. Unless otherwise defined, all terms used in this Final Order have the same meanings as defined in the Settlement Agreement.
2. On January 17, 2020, Representative Plaintiff filed this Action, alleging that Defendant violated the Fair Labor Standards Act (“FLSA”) and the Ohio Minimum Fair Wage

Standards Act (“OMFWSA”) by failing to pay Representative Plaintiff and other similarly situated employees all of their overtime pay.

3. The Parties have exchanged and analyzed initial factual disclosures and timekeeping and payroll records. This document exchange enabled the Parties to understand and assess the detail and substance of their respective claims and defenses.

4. The Parties reached an agreement to settle this case on or about October 14, 2020.

5. The Settlement Agreement resolves the individual, collective, and class claims of Representative Plaintiff and the Class Members made pursuant to the FLSA and any and all applicable state overtime laws, regulations, and ordinances, and provides class-wide relief and distribution of funds pursuant to the FLSA and Federal Rule of Civil Procedure 23.

6. The issues in this case were contested. A Settlement Agreement was achieved after arms-length and good faith negotiations between the Parties and their counsel, who have experience litigating FLSA and state wage and hour claims.

7. On November 13, 2020, the parties filed a Joint Motion for Final Approval of FLSA Collective Settlement and Preliminary Approval of Rule 23 Class Settlement.

8. On February 26, 2021, the Court granted Final Approval of the FLSA and Preliminary Approval of the Rule 23 Class Action Settlement, and directed that notice be sent to putative Class Members.

9. The Parties’ Motion for Final Approval of the Class Action Settlement was filed on May 25, 2021.

10. The Parties have filed with the Court a declaration from the Settlement Administrator verifying that the Class Notice was distributed to the putative Collective Members and the putative Class Members in the form and manner approved by the Court.

11. The Fairness Hearing was convened as Ordered on June 4, 2021.
12. The Court finds that the members of the Collective and Class were given adequate notice of the pendency of this Action, the proposed settlement, and the date of the Fairness Hearing as ordered by the Court. The Court further finds that the notice was reasonable and the best notice practicable and satisfied all of the requirements of Federal Rule of Civil Procedure 23 and due process.
13. As to Representative Plaintiff and the Class, the Court finds that the proposed settlement satisfies the standard for final approval of a class action settlement under Federal Rule of Civil Procedure 23(e). The proposed settlement satisfies Rule 23(a)'s requirements of commonality, numerosity, typicality, and adequacy of representation, as well as Rule 23(b)'s requirements of predominance and superiority. Representative Plaintiff is an adequate representative of the Class in that she is a member of the Class and possesses the same interests and suffered the same injuries as the Class's other members. The definition of the Class encompasses persons with like factual circumstances and like claims. The Court finds that the proposed settlement is fair, reasonable, and adequate as to the Class, and qualifies for final approval under Rule 23(e).
14. The Court approves the Settlement Agreement and orders that it be implemented according to its terms and conditions and as directed herein.
15. The Court approves the method of calculation and proposed distribution of settlement payments, and Orders that the settlement payments be distributed to Class Members in the manner, and upon the terms and conditions, set forth in the Settlement Agreement.

16. The Court approves the Service Award to Representative Plaintiff in recognition of her service in this Action, and orders that such payment be made in the manner, and upon the terms and conditions, set forth in the Settlement Agreement.

17. The Court approves the payment of attorneys' fees and costs as provided in the Settlement Agreement, and orders that such payments be made in the manner, and upon the terms and conditions, set forth in the Settlement Agreement.

18. The Court DISMISSES THIS ACTION WITH PREJUDICE.

19. The Parties are to bear their respective attorneys' fees and costs except as provided in the Settlement Agreement.

20. The Court retains jurisdiction over this Action for the purpose of enforcing the Settlement Agreement.

21. There being no just reason to delay entry of this Final Order, the Court orders the Clerk of Court to enter this Final Order immediately, along with Entry of Judgment thereon.

IT IS SO ORDERED this 4th day of June, 2021.

/s/ Benita Y. Pearson

Honorable Benita Y. Pearson
United States District Court Judge